2141.

SUPREME COURT OF THE UNITED STATES.

No. 122.

HAMILTON MURRAY, USE, &c., PLAINTIFF,

vs.

JOHN A. GIBSON.

ON A CERTIFICATE OF DIVISION IN OPINION BETWEEN THE JUDGES OF THE CIRCUIT COURT, UNITED STATES, FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

HAMILTON MURRAY, use, &c.,
vs.
JOHN A. GIBSON. } 58.

In the circuit court of the United States, for the southern district of Mississippi.

May term, 1851.

This day came on this cause for trial before Judges Peter V. Daniel and Samuel J. Gholson, presiding.

The declaration is an action of debt, brought on the 16th May, 1850, and founded on a judgment rendered on the 29th day of November, 1844, in the district court of the parish of Madison, in the ninth judicial district of the State of Louisiana, against the defendant, and in favor of the plaintiff. To this action the defendant pleaded a number of pleas, of which the 7th plea is in the words and figures following: "And for further plea in this behalf the said defendant says, that the said defendant was, at the time of the commencement of the suit in the district court of the parish of Madison, in the State of Louisiana, and also at the time of the rendition of the judgment in the plaintiff's declaration mentioned, and ever since has been, and now is, a citizen of the State of Mississippi, residing in the county of Hinds, and that more than three years expired, and was complete and ended, from and after the time of the rendition of such judgment, without the limits of this State, to wit, in the parish of Madison, in the State of Louisiana, before the institution of this suit, and this he is ready to verify; wherefore, &c.

JOHNSON, MAYS & CLIFFTON,
For defendant."

To said plea the plaintiff filed a general demurrer.